



~~December 16, 2003 CPC~~

~~January 20, 2004 CPC~~

February 25, 2004 BS

STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

04SN0166

Melvin L. Fisher

Bermuda Magisterial District
East line of Jefferson Davis Highway

REQUEST: Amendment to Conditional Use (Case 00SN0262) to delete a required setback, plus Conditional Use Planned Development to allow a setback exception.

PROPOSED LAND USE:

Expansion of an existing adjacent business (retail sale of display buildings and structures) is planned. With approval of this request, no setbacks would be required for display areas, buildings, drives and parking areas from Jefferson Davis Highway nor would landscaping be required along this frontage.

PLANNING COMMISSION RECOMMENDATION

RECOMMEND DENIAL.

STAFF RECOMMENDATION

Recommend denial for the following reason:

Approval of this request undermines the commercial revitalization strategies of the Jefferson Davis Corridor Plan in shaping the community identity of gateway locations along the corridor.

(NOTE: CONDITIONS MAY BE IMPOSED OR THE PROPERTY OWNER MAY PROFFER CONDITIONS.)

GENERAL INFORMATION

Location:

Southeast quadrant of the intersection of Jefferson Davis Highway and Pinehurst Street. Tax IDs 795-664-7592 and 795-665-6610, 7102 and 8407 (Sheet 26).

Existing Zoning:

A with Conditional Use

Size:

1.1 acres

Existing Land Use:

Vacant

Adjacent Zoning and Land Use:

North - C-5; Single family residential or vacant
South - C-3; Commercial or single family residential
East - R-7; Single family residential
West - I-1; Office/warehouse

UTILITIES; ENVIRONMENTAL; AND PUBLIC FACILITIES

The requested amendment will have no impact on these facilities.

LAND USE

Comprehensive Plan:

Lies within the boundaries of the Jefferson Davis Corridor Plan which suggests the property is appropriate for a mix of commercial, office and light industrial uses that serve a regional market.

One (1) of the commercial revitalization strategies of the Plan is to target critical entrances or gateway locations along the corridor to unify development efforts and shape community identity. Such consolidation and coordination of development provides opportunities for site design and access control and precludes the typical strip development pattern experienced along portions of Jefferson Davis Highway.

Area Development Trends:

Properties to the north, east and southeast of the subject parcels are currently zoned General Commercial (C-5), Residential (R-7) and Community Business (C-3) and are developed for single family residential uses or are vacant. Property to the south is zoned Community Business (C-3) as is occupied by the applicant's existing retail sales business (display buildings). Property to the west is zoned Light Industrial (I-1) and is developed for office/warehouse uses. Located west of I-95 and north of the Route 288/Jefferson Davis Highway interchange, it is anticipated that the pressure for non-residential development will increase with the future extension of Route 288 into Henrico County.

Zoning History:

Property to the south of the subject parcels is zoned Community Business (C-3) and is currently occupied by the applicant's business which is the retail sale of display buildings and structures (Tax ID 795-664-7984). At the time this business was established, the property was zoned Community Business (B-2) which permitted the sale and continuous outside display of storage buildings. Subsequent amendments to the Zoning Ordinance established this use as permitted in the General Business (C-5) District. As a result, the applicant's current operation on this adjoining property is considered a non-conforming use. Further, in 1994, the applicant received Variances to locate these displayed items at the front property line along Jefferson Davis Highway and approximately seven (7) feet from the rear lot line. (94AN0106)

On February 28, 2001, the Board of Supervisors, upon a favorable recommendation by the Planning Commission, approved a rezoning from Community Business (C-3) to Agricultural (A) with Conditional Use to permit Community Business (C-3) uses plus display sheds, garages, carports and houses sales including "shell" houses sales, a General Business (C-5) use (Case 00SN0262). The expansion of the existing adjacent business to the south was planned. Conditions of this approval included a twenty-five (25) foot setback from the ultimate right of way of Route 1/301 for all display areas, buildings, drives and parking areas (Condition 3.c). Landscaping would be required within this setback.

Site Design:

The request property lies within a Highway Corridor District. Development standards for this district are applicable only to properties zoned office, commercial or industrial. With Case 00SN0262, the applicant proffered that development would conform to the requirements of the Zoning Ordinance for the Jefferson Davis Highway Corridor which address access, parking, landscaping, architectural treatment, setbacks, signs, buffers, utilities and screening of dumpsters and loading areas, except as further restricted by proffered conditions (Proffered Conditions 3.d and 4). Specifically, should the property be used for the retail sale of display buildings and structures, proffered conditions would require landscaped setbacks from the ultimate right of way of Route 301 for display areas, buildings, drives and parking

(Proffered Condition 3.c). Currently, the Zoning Ordinance does not require setbacks for such improvements nor landscaping along public roads other than limited access roads.

The current request would eliminate the twenty-five (25) foot landscaped setback required for display areas, buildings, drives and parking areas along Route 1/301 (Proffered Condition 3.c, Case 00SN0262). With the elimination of this setback, the underlying setbacks for the Agricultural (A) District would apply, which are a minimum of forty (40) feet or 150 feet, depending upon the recordation date of the request parcel. The applicant has requested a Conditional Use Planned Development to eliminate these Agricultural (A) standards as well. As a result, these improvements could be located adjacent to the ultimate right of way for Route 1/301 with no provisions for landscaping along this corridor frontage.

In the evaluation of Case 00SN0262, staff noted that although the Jefferson Davis Corridor Plan suggests the property is appropriate for a mix of uses to include commercial, office and industrial development, the Plan suggests that new commercial activity should be aggregated to accommodate a sufficient project size, design and location to serve a regional market. Such consolidation and coordination of development provides opportunities for site design and access control and precludes the typical strip development pattern experienced along portions of Jefferson Davis Highway. Although the request did not meet these criteria, the proffered conditions limited the scale, character and the permanency of this C-5 operation, thereby reserving the redevelopment potential of the property. Conditions, such as setbacks and landscaping along Route 1/301, were negotiated with the applicant to ensure that the design and character of this temporary use would not detract from the area's redevelopment potential as a gateway location along the corridor.

CONCLUSIONS

One (1) of the commercial revitalization strategies of the Plan is to target critical entrances or gateway locations along the corridor to unify development efforts and shape community identity. Located west of I-95 and north of the Route 288/Jefferson Davis Highway interchange, this property has been identified as one (1) of these important locations. With the future extension of Route 288 into Henrico County, it is anticipated that the pressure for non-residential development will increase, making parcel assemblage a key to the long term viability of the Route 288 interchange and Jefferson Davis Highway.

Elimination of setbacks and landscaping along the subject property's Route 1/301 frontage undermines the commercial revitalization strategies of the Jefferson Davis Corridor Plan in shaping the community identity of gateway locations along the corridor.

Given these considerations, denial of this request is recommended.

CASE HISTORY

Planning Commission Meeting (12/16/03):

At the request of the applicant, the Commission deferred this case to January 20, 2004.

Staff (12/17/03):

The applicant was advised in writing that any significant new or revised information should be submitted no later than December 22, 2003, for consideration at the Commission's January 20, 2004, public hearing. Also, the applicant was advised that a \$230.00 deferral fee must be paid prior to the Commission's public hearing.

Applicant (12/22/03):

To date, no new information has been received, nor has the applicant paid the \$230.00 deferral fee.

Applicant (1/14/04):

The deferral fee was paid.

Planning Commission Meeting (1/20/04):

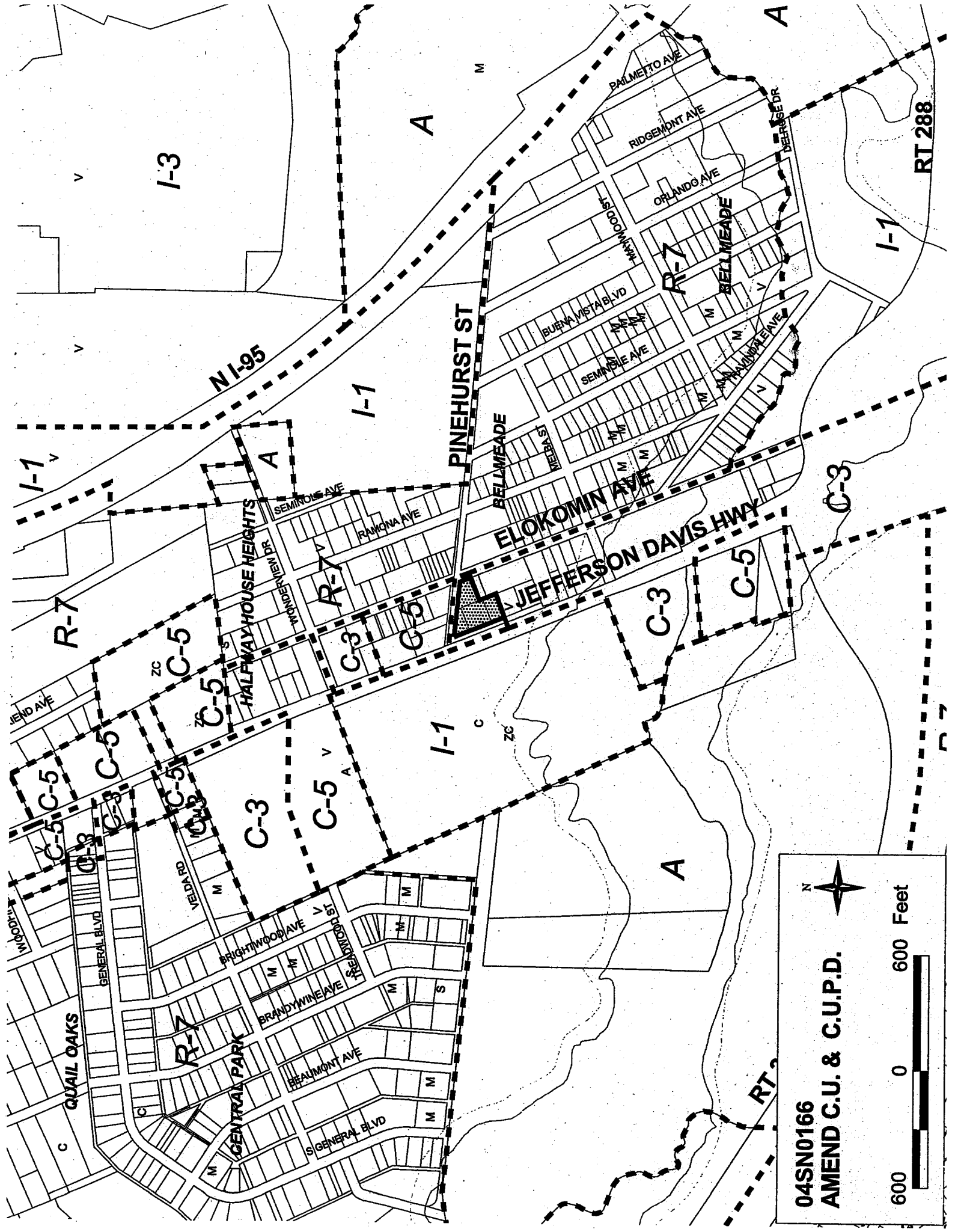
The applicant did not accept the recommendation. There was no opposition present.

Mr. Wilson noted that the previous agreed upon setback represents a commitment to the Jefferson Davis Corridor Plan and that he could not support eliminating the condition.

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission recommended denial of this request.

AYES: Unanimous.

The Board of Supervisors, on Wednesday, February 25, 2004, beginning at 7:00 p.m., will take under consideration this request.



04SN0166
AMEND C.U. & C.U.P.D.

600 0 600 Feet